

37 Am. Jur. 2d Fraud and Deceit § 183

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Fraud and Deceit

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IV. False Representations

G. Representations and Statements as to Particular Matters

3. Value, Cost, and Income of Property

c. Income, Profits, or Rental Productivity

§ 183. As to future income, profits, rents, etc—"Rental value"

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Fraud](#)  27, 28

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[False representations as to income, profits, or productivity of property as fraud, 27 A.L.R.2d 14](#)

Where a statement as to "rental value" is made and accepted as one of present fact, it will be thus treated in the law,¹ although it has been held that a statement as to how much a purchaser can get as rents for, or the "rental value" of, the property is a statement of opinion which, even though untrue, is not actionable.² Further, purchasers may bring a fraud action where rent concessions are misrepresented.³

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Footnotes

¹ [Cahill v. Readon](#), 85 Colo. 9, 273 P. 653 (1928); [Wilson v. Robinson](#), 21 N.M. 422, 155 P. 732 (1916).

² [Savinovich v. Winbigler](#), 155 Wash. 333, 284 P. 77 (1930).

Statements made by a vendor's agent concerning the future rentals of apartment houses were not misrepresentations where the agents also stated to the vendee that the buildings would be an excellent

investment "if you receive the rents as we contemplate ..." [Pacesetter Homes, Inc. v. Brodtkin](#), 5 Cal. App. 3d 206, 85 Cal. Rptr. 39 (2d Dist. 1970).
3 [Kelley/Lehr & Associates, Inc. v. O'Brien](#), 194 Ill. App. 3d 380, 141 Ill. Dec. 426, 551 N.E.2d 419 (2d Dist. 1990).

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